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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,916	11/09/2000	Dragan Sretenovic	1521-190	3667
570	7590	04/29/2004	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103-7013			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 04/29/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/709,916	SRETENOVIC, DRAGAN
	Examiner	Art Unit
	Thong H Vu	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 March 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

1. Claims 1-12 are pending.
2. Applicant arguments, filed on 3/02/04, with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Spofford et al [Spofford 5,913,037]

3. As per claim 1, Spofford discloses a method of monitoring a network for communicating with a device operably connected thereto, the network employing a data engine for interfacing with a data agent connected to the device comprising:

detecting (i.e.: monitoring) the presence of the device through the data agent interfacing the data engine [Spofford, management module using a separate interface for monitoring and controlling the network device via ports, col 5 lines 32-57];

communicating with a first external repository, the first repository for storing device information about the device [Spofford, MIB, col 7 lines 8-25];

selecting information corresponding to the device from information stored at the first repository [Spofford, retrieve information value and modified by MIB manager, col 5 lines 40-67]; and

transferring the selected information from the first repository to the data engine for use in communicating with the device, whereby the network is dynamically upgraded as devices are operably linked thereto [Spofford, upgrade module, col 8 lines 1-26, dynamic MIB upgraded 206, Fig 2A-2D].

4. As per claim 2, Spofford discloses hyper text transfer protocol is used to transfer information between the network and the first repository as inherent feature of Internet node [Spofford, Internet node, col 12 lines 8-35].
5. As per claim 3, Spofford discloses the step of communicating with a second repository connected by a hyper text mark up language link to the first repository for obtaining information regarding the device as inherent feature of Internet node [Spofford, Internet node, col 12 lines 8-35].
6. As per claim 4, Spofford discloses the step of communicating with the first repository is initiated through a data dictionary [Spofford, database, col 1 lines 25-43].
7. As per claim 6, Spofford discloses a method of monitoring a first network for communicating with a device operably linked thereto, the first network employing a data engine, the data engine interfacing with a data agent connected to the device, comprising:

detecting the presence of a device through the data agent interfacing the data engine; communicating with a first repository of a second network, the first repository for storing device information [Spofford, management module using a separate interface for monitoring and controlling the network device via ports, col 5 lines 32-57];

selecting, information corresponding to the device from information stored at the first repository [Spofford, retrieve information value and modified by MIB manager, col 5 lines 40-67]; and

transferring the selected information from the first repository to the data engine for use in communicating with the device, whereby the first network is dynamically upgraded as devices are operably linked thereto [Spofford, upgrade module, col 8 lines 1-26, dynamic MIB upgraded 206, Fig 2A-2D].

8. As per claim 7, Spofford discloses hyper text transfer protocol is used to transfer information between the first network and the second network [Spofford, Internet node, col 12 lines 8-35].

9. As per claim 8, Spofford discloses communicating with a second repository through a hyper text mark-up language link to the first repository for obtaining information regarding device [Spofford, HTML format, col 4 lines 4-25, graphical images 45-53].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,9-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Spofford et al [Spofford 5,913,037] in view of Budhraja et al [Budhraja 5,935,209]

10. As per claim 5, Spofford discloses the step of selecting the information corresponding to the device from information of the First repository [Spofford, HTML format, col 4 lines 4-25, graphical images 45-53].

However Spofford does not explicitly detail the step of selecting the information is accomplished through the use of a graphical user interface.

It was well-known in the art that the format to display information through a GUI on a PPC or workstation as taught by Budhraja [Budhraja, monitor and control the devices, col 4 lines 55-64; operate through a GUI on a PC, col 5 lines 52-67; col 10 lines 7-15].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the method for managing network elements using the GUI for selecting the informations as taught by Budhraja into the Spofford's apparatus in order to utilize the monitoring process.

Doing so would provide a simple, dynamic and reliability to managing the network devices.

11. As per claim 9, Spofford-Budhraja disclose selecting the information corresponding to the device from Information of the first repository is accomplished through the use of a graphical user interface of the data engine [Budhraja, monitor and control the devices, col 4 lines 55-64; operate through a GUI on a PC, col 5 lines 52-67; col 10 lines 7-15]..

12. As per claim 10, Spofford-Budhraja disclose a method for establishing communications between a network and a device operatively connected to the network without regard to the language of the connected device, the network including a data engine for interfacing with a data dictionary and a data agent which is connected to the device, the method comprising the steps of

detecting, by the data agent, device information including the identity of the device, the language of the device and device data [Spofford, management module using a separate interface for monitoring and controlling the network device via ports, col 5 lines 32-57];

obtaining, by the data engine, from the data agent, the device information detected by the data agent [Spofford, retrieve information value and modified by MIB manager, col 5 lines 40-67];

obtaining, by the data engine, from the data dictionary, information about the language of the device to facilitate translation of the device data into a selective human-understandable form [Budhraja, converting information, col 21 line 9-col 22 line 10];

translating, by the data engine, the obtained device data into the selected human-understandable form using the information obtained from the data dictionary; and presenting, by the data engine, to a user interface, the translated device data in the selected human-understandable form [Spofford, upgrade module, col 8 lines 1-26, dynamic MIB upgraded 206, Fig 2A-2D].

13. As per claim 11, Spofford-Budhraja disclose communicating with a first repository which is external to the network, for obtaining information about the device and the language of the device which is not available from the data dictionary to facilitate translation of the device data into the selective human understandable form [Budhraja, converting information, col 21 line 9-col 22 line 10].

14. As per claim 12, Spofford-Budhraja disclose storing, in the data dictionary, the information obtained from the first repository [Spofford, database, col 1 lines 25-43].

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

